

# HB4471



## 98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

**HB4471**

by Rep. Kelly M. Cassidy

### SYNOPSIS AS INTRODUCED:

70 ILCS 1205/8-23

Amends the Park District Code. Makes a technical change in a Section concerning criminal background investigations.

LRB098 19047 JLK 54197 b

A BILL FOR

1 AN ACT concerning local government.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Park District Code is amended by changing  
5 Section 8-23 as follows:

6 (70 ILCS 1205/8-23)

7 Sec. 8-23. Criminal background investigations.

8 (a) An applicant for employment with a park district is  
9 required as a condition of employment to authorize an  
10 investigation to determine if the ~~the~~ applicant has been  
11 convicted of, or adjudicated a delinquent minor for, any of the  
12 enumerated criminal or drug offenses in subsection (c) of this  
13 Section or has been convicted, within 7 years of the  
14 application for employment with the park district, of any other  
15 felony under the laws of this State or of any offense committed  
16 or attempted in any other state or against the laws of the  
17 United States that, if committed or attempted in this State,  
18 would have been punishable as a felony under the laws of this  
19 State. Authorization for the investigation shall be furnished  
20 by the applicant to the park district. Upon receipt of this  
21 authorization, the park district shall submit the applicant's  
22 name, sex, race, date of birth, and social security number to  
23 the Department of State Police on forms prescribed by the

1 Department of State Police. The Department of State Police  
2 shall conduct a search of the Illinois criminal history records  
3 database to ascertain if the applicant being considered for  
4 employment has been convicted of, or adjudicated a delinquent  
5 minor for, committing or attempting to commit any of the  
6 enumerated criminal or drug offenses in subsection (c) of this  
7 Section or has been convicted of committing or attempting to  
8 commit, within 7 years of the application for employment with  
9 the park district, any other felony under the laws of this  
10 State. The Department of State Police shall charge the park  
11 district a fee for conducting the investigation, which fee  
12 shall be deposited in the State Police Services Fund and shall  
13 not exceed the cost of the inquiry. The applicant shall not be  
14 charged a fee by the park district for the investigation.

15 (b) If the search of the Illinois criminal history record  
16 database indicates that the applicant has been convicted of, or  
17 adjudicated a delinquent minor for, committing or attempting to  
18 commit any of the enumerated criminal or drug offenses in  
19 subsection (c) or has been convicted of committing or  
20 attempting to commit, within 7 years of the application for  
21 employment with the park district, any other felony under the  
22 laws of this State, the Department of State Police and the  
23 Federal Bureau of Investigation shall furnish, pursuant to a  
24 fingerprint based background check, records of convictions or  
25 adjudications as a delinquent minor, until expunged, to the  
26 president of the park district. Any information concerning the

1 record of convictions or adjudications as a delinquent minor  
2 obtained by the president shall be confidential and may only be  
3 transmitted to those persons who are necessary to the decision  
4 on whether to hire the applicant for employment. A copy of the  
5 record of convictions or adjudications as a delinquent minor  
6 obtained from the Department of State Police shall be provided  
7 to the applicant for employment. Any person who releases any  
8 confidential information concerning any criminal convictions  
9 or adjudications as a delinquent minor of an applicant for  
10 employment shall be guilty of a Class A misdemeanor, unless the  
11 release of such information is authorized by this Section.

12 (c) No park district shall knowingly employ a person who  
13 has been convicted, or adjudicated a delinquent minor, for  
14 committing attempted first degree murder or for committing or  
15 attempting to commit first degree murder, a Class X felony, or  
16 any one or more of the following offenses: (i) those defined in  
17 Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6,  
18 11-9, 11-14, 11-14.3, 11-14.4, 11-15, 11-15.1, 11-16, 11-17,  
19 11-18, 11-19, 11-19.1, 11-19.2, 11-20, 11-20.1, 11-20.1B,  
20 11-20.3, 11-21, 11-30, 12-7.3, 12-7.4, 12-7.5, 12-13, 12-14,  
21 12-14.1, 12-15, and 12-16 of the Criminal Code of 1961 or the  
22 Criminal Code of 2012; (ii) those defined in the Cannabis  
23 Control Act, except those defined in Sections 4(a), 4(b), and  
24 5(a) of that Act; (iii) those defined in the Illinois  
25 Controlled Substances Act; (iv) those defined in the  
26 Methamphetamine Control and Community Protection Act; and (v)

1 any offense committed or attempted in any other state or  
2 against the laws of the United States, which, if committed or  
3 attempted in this State, would have been punishable as one or  
4 more of the foregoing offenses. Further, no park district shall  
5 knowingly employ a person who has been found to be the  
6 perpetrator of sexual or physical abuse of any minor under 18  
7 years of age pursuant to proceedings under Article II of the  
8 Juvenile Court Act of 1987. No park district shall knowingly  
9 employ a person for whom a criminal background investigation  
10 has not been initiated.

11 (Source: P.A. 96-1551, eff. 7-1-11; 97-700, eff. 6-22-12;  
12 97-1150, eff. 1-25-13.)